

**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

LOS ANGELES ALLIANCE FOR  
SURVIVAL; LOS ANGELES  
COALITION TO END HUNGER AND  
HOMELESSNESS; JERRY RUBIN,  
Plaintiffs-Appellees,

No. 97-56742

v.

D.C. No.  
CV 97-06793 RAP

CITY OF LOS ANGELES; RICHARD J.

(CTx)

RIORDAN, Mayor of the City of  
Los Angeles, in his officialORDER  
capacity; BERNARD PARKS, Chief of  
Police for the City of Los  
Angeles, in his official capacity,  
Defendants-Appellants.

Appeal from the United States District Court  
for the Central District of California  
Richard A. Paez, District Judge, Presiding

Argued and Resubmitted  
July 25, 2000--San Francisco, California

Filed September 22, 2000

Before: Betty B. Fletcher, David R. Thompson and  
M. Margaret McKeown, Circuit Judges.

**COUNSEL**

Peter Eliasberg, ACLU, Los Angeles, California, for the  
plaintiffs-appellees.

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Deborah Sanchez, Deputy City Attorney, Los Angeles, Cali-  
fornia, for the defendants-appellants.

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## ORDER

We affirm the district court's grant of a preliminary injunction barring enforcement of Los Angeles Ordinance No. 171664, codified as Los Angeles Municipal Code § 4159, and remand for further proceedings.

The district court's grant of the preliminary injunction was premised in part on a prior Ninth Circuit decision, Carreras v. City of Anaheim, 768 F.2d 1039 (9th Cir. 1985), in which we held that under the California constitution's liberty of speech clause regulation of solicitation was content based. In the case at hand, we concluded that Carreras' reading of the California constitution was not based on a decision of the highest court of California, and certified to the California Supreme Court the question of whether regulation of solicitation was content based under the California constitution. See Los Angeles Alliance for Survival v. City of Los Angeles, 157 F.3d 1162 (9th Cir. 1998). The California Supreme Court answered that under California law such regulation is content neutral. See Los Angeles Alliance for Survival v. City of Los Angeles, 993 P.2d 334 (Cal. 2000). We adhere to the California Supreme Court's rulings on California law.

However, even though an ordinance regulating solicitation is content-neutral, whether the ordinance in certain aspects and applications infringes upon the right to free speech raises other serious questions. Because the balance of hardships tips sharply in the appellees' favor and the appellees would be irreparably injured absent the preliminary injunction, we affirm the preliminary injunction and remand for further proceedings. See United States v. Nutri-cology, Inc., 982 F.2d 394, 397 (9th Cir. 1992).

AFFIRMED